

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>JEFFREY BROWN,</b>	)	<b>CASE NO.: 1:18CV-192</b>
	)	
Plaintiff,	)	<b>THE HONORABLE JUDGE</b>
	)	<b>BOYKO</b>
v.	)	
	)	<b>MAGISTRATE JUDGE</b>
<b>CITY OF EAST CLEVELAND, et al.,</b>	)	<b>GREENBERG</b>
	)	
Defendants.	)	

**MOTION FOR RECONSIDERATION OF  
MAGISTRATE’S RECOMMENDATION**

The Magistrate is respectfully urged to reconsider his recommendation that the East Cleveland Defendants be fined \$100 as a sanction for counsel's failure to participate in either the July 13, 2018 CMC or the July 24, 2018 telephonic status conference.

The failure to attend these telephonic status conferences was not a result of any contemptuous behavior but was merely the product of intervening circumstances.

In regards to the July 13, 2018 CMC; this Court is urged to observe that on June 26, 2018 the East Cleveland Defendants moved the Court to reschedule the July 13, 2018 CMC from 10:00 a.m., to 2:00 p.m., as “...counsel for Defendants [would] be unable to participate in the CMC as she [would] be onboard a flight to Orlando, Florida; and not expected to land until 11:06 a.m.” See *Defendants’ Motion for Continuance*, Doc. # 14.

This Court is urged further that although the June 26, 2018 Case Management Conference Scheduling Order provided notice that “Dial-in information shall be provided via separate email/mail” such information was not sent until 2:30 p.m., on July 13, 2018. Moreover, this email was sent to counsel’s work email, at a time when notice had been provided that counsel would not be at work. Inasmuch as counsel is unable to access her work email when off-

site. Accordingly, and as to counsel's failure to attend the June 13, 2018, this Court is urged to find that such failure was not a product of any contemptuous behavior but was a merely a matter of intervening error.

In addressing counsel's failure to attend the June 24, 2018 CMC Conference, this Court is urged to observe that such failure was borne out of the reasonable anticipation that the conference would not go forward as the docket revealed that notice to Plaintiff Jeffrey Brown of the June 24, 2018 CMC Conference had not been served.

Further, again counsel was not able to access the email advising of the setting of the June 24, 2018 telephonic conference, inasmuch as she was still off-site.

Respectfully submitted,

/s/ Willa M. Hemmons

Willa M. Hemmons (0041790)

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Counsel for Defendants, City of East Cleveland

East Cleveland Police Department, and

Officer Mark Allen

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that, on this 8<sup>th</sup> day of August, 2018 a true and accurate copy of the foregoing ***Motion for Reconsideration of Magistrate's Recommendation*** was electronically filed with the Court and via this Court's electronic notification system a copy thereof may be accessed by the following parties:

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/s/ Willa M. Hemmons  
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